

FILED

MAY 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LORENZO ORNELAS-QUINTERO,

Defendant - Appellant.

No. 05-30304

D.C. No. CR-05-00019-BLW

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, District Judge, Presiding

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT and CALLAHAN, Circuit Judges.

Lorenzo Ornelas-Quintero appeals from the 30-month sentence imposed following his guilty plea conviction for illegal re-entry, in violation of 8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ornelas-Quintero contends that the district court erred in imposing an enhancement for a prior aggravated felony pursuant to U.S.S.G. § 2L1.2. Specifically, Ornelas-Quintero contends that his 1994 conviction under Cal. Health & Safety Code § 11350(a) was not an aggravated felony. Because a violation of Cal. Health & Safety Code § 11350(a) is punishable by more than one year imprisonment, we conclude that the district court properly determined that Ornelas-Quintero's prior conviction was an aggravated felony. *See* Cal. Penal Code § 18; *United States v. Rios-Beltran*, 361 F.3d 1204, 1209-10 (9th Cir. 2004).

AFFIRMED.